IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12374 of 2005

Between:

The Toddy Tappers Cooperative Society, Zaheerabad Village and Mandal, Medak District, Rep by its President, V.Krishna Mohan Goud, S/o.Vittal Goud,35 Yrs, R/o.Zaheerabad Village & Mandal, Medak District.

..... PETITIONER

AND

The Prohibition and Excise Superintendent, Medak District, Office at Sanga Reddy,

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus directing the respondent to consider the application dt.31-5-2005 for sending one of the samples drawn from the toddy depot in Crime No.72/2005-06 and another sample drawn from the toddy shop No.3 of TCS,Zaheerabad, Medak District., in Crime No.74/2005-06 to the independent lab as requested by the petitioner society as required under Rule 24 of the A.P.Excise 9Arrack and Toddy Special Conditions of Licences) Rules, 1969 and consequently direct the respondent to take further action forb the restoration of licences of TCS, Zaheerabad, basing upon the reports of the independent lab and pass such other order or orders.

Counsel for the Petitioner:MR.M.DAMODAR REDDY

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court, at the stage of admission, made the following :

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ORAL ORDER

Heard the learned counsel for the petitioner and the learned Government Pleader for Excise.

The petitioner is a Toddy Tappers Co-operative Society which claims to have five separate excise licences for running a toddy depot and four toddy shops. The business premises of the petitioner-society was inspected by the excise officials on 25-05-2005 including the depot and shop No.3. Samples were drawn and spot test was conducted which revealed adulteration of the toddy with Chloral Hydrate. Three samples were drawn on 25-05-2005. According to the petitioner on 31-05-2005 an application was made to the respondent accompanied by demand drafts towards necessary fee for sending of the second sample drawn to an independent laboratory for analysis and report. In view of the spot test revealing adulteration of Chloral Hydrate, the licences of the depot and shops were suspended by an order dated 25-05-2005. Aggrieved, the petitioner filed W.P.No.11986 of 2005 challenging the suspension and the writ petition is pending. In this writ petition, the singular grievance is that the respondent is not sending the second sample drawn on 25-05-2005 to an independent laboratory, despite an application having been made by the petitioner within the time i.e., on 31-05-2005.

In the aforesaid circumstances, the respondent is directed to forthwith send the second sample drawn from the petitioner's premises to an independent laboratory for analysis and report.

Accordingly, the writ petition is disposed of at the stage of admission. No order as to costs.

GODA RAGHURAM,J

14TH JUNE 2005

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To

1. The Prohibition and Excise Superintendent, Medak District, Office at Sanga Reddy,

2. Two CCs to G.P for Excise, High Court buildings, High Court of A.P.Hyderabad(OUT)

3. Two C.D.Copies.